

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Amal Mohamud Yusuf

Complainant,

vs.

ORDER OF DISMISSAL

Abdi Nasit Hasi Hussein,

Respondent.

On October 4, 2012, Amal Mohamud Yusuf filed a Complaint with the Office of Administrative Hearings alleging that the Help America Vote Act violates the provisions of the Minnesota Fair Campaign Practices Act. The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on October 4, 2012, pursuant to Minn. Stat. § 211B.33. A copy of the Complaint and attachments were sent by United States mail to the Respondent on October 4, 2012.

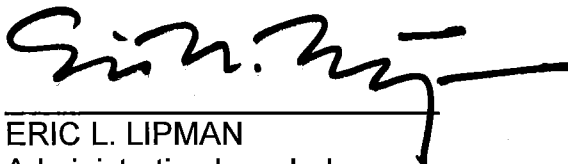
Amal Mohamud Yusuf appeared on his own behalf and without counsel.

Based upon the submissions of Mr. Yusuf, and the contents of the record,

IT IS ORDERED THAT:

1. The Complaint against Abdi Nasit Hasi Hussein is **DISMISSED**.

Dated: October 9, 2012


ERIC L. LIPMAN
Administrative Law Judge

MEMORANDUM

To allege a *prima facie* violation at this stage of the proceeding, the Complainant must allege sufficient facts to show that a violation of law has occurred.¹

"*Prima facie*" means "[s]ufficient to establish a fact or raise a presumption unless disproved or rebutted."² "*Prima facie* evidence" is "[e]vidence that will establish a fact or sustain a judgment unless contradictory evidence is produced."³ In determining whether a campaign complaint sets forth a *prima facie* violation of the statute, the Administrative Law Judge is required to credit as true all of the facts that are alleged in the Complaint, provided that those facts are not patently false or inherently incredible.

While Mr. Yusuf's Complaint includes a lot of detail about his dealings with other state agencies on business licensing matters, the sole election-related matter in the Complaint is his claim that the federal Help America Vote Act violates the state Fair Campaign Practices Act. Precisely how Minnesota law is violated by the federal Act, or how, under the Supremacy Clause, acts of Congress can violate state law, is not made clear by the Complaint.

Mr. Yusuf has not alleged a violation of the Fair Campaign Practices Act. Dismissal is the appropriate result.

E. L. L.

¹ Minn. Stat. § 211B.32, subd. 3.

² *Black's Law Dictionary* 1228 (8th ed. 2004).

³ *Id.* at 598.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
600 NORTH ROBERT STREET
ST. PAUL, MN 55101

CERTIFICATE OF SERVICE

Case Title: <i>In the Matter of Amal Mohamud Yusuf v Abdi Nasi Hasi Hussein and Amina Aidid</i>	OAH Docket No. 0320-30041
---	---------------------------

Nancy J. Hansen certifies that on the 10th day of October, 2012, she served a true and correct copy of the attached Order of Dismissal, by serving it by courier service or by U S Mail with postage prepaid, addressed to the following individuals:

Amal Mohamud Yusuf
720 Evergreen Drive, No. 308
Burnsville, MN 55337

Abdi Nasi Hasi Hussein
Amina Aidid
5445 Smentana Road
Minnetonka, MN 55343